

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Agriculture and Natural Resources

Tuesday, February 16, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Bradford  
P Garnos  
P Hansen (Tom)  
P Kloucek  
P Maher  
P Peterson  
P Vehle  
P Howie, Vice-Chair  
P Rhoden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Larry Rhoden, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 11, 2010

Moved by: Vehle  
Second by: Garnos  
Action: Prevailed by voice vote.

SB 178: provide for the issuance of reduced fee hunting and fishing licenses to certain persons with disabilities.

Presented by: Senator Ryan Maher  
Opponents: Emmett Keyser, Department of Game, Fish & Parks  
Bill Antonides, Self, Aberdeen

MOTION: DEFER SB 178 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Maher

Second by: Garnos  
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Garnos, Hansen (Tom), Kloucek, Maher, Peterson, Vehle, Howie, Rhoden

Excused: Bradford

HB 1096: revise the penalty for an open burning violation in the Black Hills Forest Fire Protection District.

Presented by: Representative Mike Verchio  
Proponents: Jon Farris, Department of Agriculture

MOTION: DO PASS HB 1096

Moved by: Garnos  
Second by: Hansen (Tom)  
Action: Prevailed by roll call vote. (8-0-1-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Maher, Peterson, Vehle, Howie, Rhoden

Excused: Kloucek

MOTION: PLACE HB 1096 ON CONSENT CALENDAR

Moved by: Hansen (Tom)  
Second by: Howie  
Action: Prevailed by voice vote.

HB 1120: revise certain provisions and assessments related to the South Dakota Oilseeds Council.

Presented by: Senator Tom Hansen  
Proponents: Rick Vallery, SD Oilseeds Council (Handout: 1)  
Tom Young, self, Onida  
Brad Bonhorst, self, Pierre

MOTION: DO PASS HB 1120

Moved by: Hansen (Tom)  
Second by: Vehle  
Action: Prevailed by roll call vote. (8-1-0-0)

Voting Yes: Bradford, Garnos, Hansen (Tom), Maher, Peterson, Vehle, Howie, Rhoden

Voting No: Kloucek

MOTION: ADJOURN

Moved by: Hansen (Tom)

Second by: Garnos

Action: Prevailed by voice vote.

Cindy Louder  
Committee Secretary

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Larry Rhoden, Chair

85<sup>th</sup> Legislative Session – 2010

Committee: Senate Commerce

Tuesday, February 16, 2010

P - Present  
E - Excused  
A - Absent

Roll Call

P Adelstein  
P Gant  
P Merchant  
P Nesselhuf  
P Turbak Berry  
P Nelson, Vice-Chair  
P Olson (Russell), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Russell Olson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 11, 2010

Moved by: Gant  
Second by: Nesselhuf  
Action: Prevailed by voice vote.

SB 116: require that certain insurers provide notice by certified or registered mail under certain circumstances.

See prior testimony on Thursday, February 4, 2010

Presented by: Senator Frank Kloucek  
Proponents: Randy Moses, Division of Insurance

MOTION: AMEND SB 116

116ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. Any health insurer who receives an accurate, complete application for an individual policy of health insurance accompanied by a draft for at least the first month's premium, shall promptly provide actual notice to the applicant, by registered or certified mail, if the insurer's underwriting decision as to whether or not the insurer accepts the risk applied for will be delayed more than twenty days from the receipt of the application and premium. If the insurer's delay is due to any request for additional information or the issuance of any riders on the coverage, the notice shall clearly inform the applicant of the effect of such request or issuance on the effective date of any coverage. "

Moved by: Merchant  
Second by: Nelson  
Action: Prevailed by voice vote.

MOTION: DEFER SB 116 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Nelson  
Second by: Merchant  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

SB 173: provide a maximum finance charge for payday loans and title loans.

Presented by: Senator Sandy Jerstad  
Proponents: Cathy Brechtelsbauer, self, Sioux Falls  
Roger Easland, self, Pierre  
Dianna Miller, Goodwill Industries, and SD Network Against Family Violence & Sexual Assault  
Opponents: Brett Koenecke, Commercial Financial Services Association  
Michael DeMersseman, Dollar Loan Center (Handout: 1)  
Curt Everson, SD Bankers Association  
Dan Henderson, Money Central Incorporated (Handout: 2)  
Rexford Hagg, self, Rapid City (Handout 3)

MOTION: DEFER SB 173 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein  
Second by: Gant

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Nelson, Olson (Russell)

Voting No: Turbak Berry

SB 188: revise certain provisions regarding the days and hours that alcoholic beverages may be sold on a licensed premise and who may sell, serve, or dispense alcoholic beverages on a licensed premise and to revise certain provisions concerning the power of municipalities and counties to regulate the sale and use of alcoholic beverages.

Presented by: Senator Thomas Nelson

Proponents: Larry Nelson, Hy-Vee, Inc. (Handout: 4)

Opponents: Tim Dougherty, Licensed Beverage Dealers of SD

MOTION: DEFER SB 188 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Adelstein

Action: Died for lack of a second.

MOTION: AMEND SB 188

188tb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 35-4-121 be amended to read as follows:

35-4-121. Any person, corporation, or business entity that is issued a new retail license under subdivision 35-4-2(3) in a municipality of the first class after June 30, 2008, and derives more than fifty percent of the licensee's annual gross receipts from the sale of food, prepared food, and food ingredients at the location where the license is held, shall ~~sell~~ display its alcoholic beverages, other than malt beverages, in an area which is separated by a physical barrier from the rest of the establishment. For the purposes of this section, a physical barrier includes a wall or fence erected for the sole purpose of separating the area in which the alcoholic beverages are ~~sold~~ displayed from the rest of the establishment."

Moved by: Gant

Second by: Nelson

Action: Prevailed by voice vote.

MOTION: DO PASS SB 188 AS AMENDED

Moved by: Gant

Second by: Nelson

Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson

Voting No: Olson (Russell)

MOTION: AMEND TITLE OF SB 188

188tta

On page 1, line 1, of the printed bill, delete everything after "to" and insert "revise certain provisions relating to the sale and display of alcoholic beverages in establishments that sell food.".

On page 1, delete lines 2 to 5, inclusive.

Moved by: Nelson

Second by: Gant

Action: Prevailed by voice vote.

SB 168: increase the amount of coverage provided by the South Dakota Life and Health Insurance Guaranty Association for long-term care insurance.

Presented by: Senator Nancy Turbak Berry

Proponents: Charles Gullickson, self, Sioux Falls

Opponents: Randy Moses, Division of Insurance

MOTION: DO PASS SB 168

Moved by: Turbak Berry

Second by: Nesselhuf

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Gant, Merchant, Nesselhuf, Turbak Berry, Nelson, Olson (Russell)

MOTION: PLACE SB 168 ON CONSENT CALENDAR

Moved by: Turbak Berry  
Second by: Merchant  
Action: Prevailed by voice vote.

SB 169: limit the subrogation of certain insurers unless and until the insurer is made whole.

Presented by: Senator Nancy Turbak Berry  
Proponents: Verne Goodsell, self, Rapid City  
Michael Demersseman, Self, Rapid City  
Rex Hagg, self, Rapid City  
Opponents: Mike Shaw, Property Casualty Insurance Association of America  
Dick Tieszen, State Farm Insurance  
Dick Gregerson, Wellmark Blue Cross Blue Shield of SD  
Dennis Duncan, Dakotacare

THE CHAIR DEFERRED SB 169 UNTIL THURSDAY, FEBRUARY 18, 2010

MOTION: ADJOURN

Moved by: Nesselhuf  
Second by: Gant  
Action: Prevailed by voice vote.

Lois Henry  
Committee Secretary

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Russell Olson, Chair



## Committee Agenda

Committee: Senate Education  
Room: 423  
Date: Tuesday, February 16, 2010  
Time: 8:00 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[SB 105](#)      **allow all school districts to have a general fund balance percentage of up to forty percent for fiscal years 2011 through 2015.**  
Senators Garnos, Kloucek, and Maher and Representatives Van Gerpen, Juhnke, and Sorenson

[HB 1117\\*](#)      **revise certain provisions concerning the hiring by school districts of persons convicted of felony drug distribution.**  
Representative Lucas and Senator Bradford

[HB 1190\\*](#)      **revise the high school course requirements and the requirements necessary to maintain eligibility for the South Dakota opportunity scholarship program.**  
Representatives Frerichs, Brunner, Faehn, Fargen, Krebs, Lucas, Rave, Sorenson, and Wink and Senators Olson (Russell), Abdallah, Bradford, Brown, Garnos, Jerstad, Nelson, Nesselhuf, Peterson, and Rhoden

### BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[SB 156](#)      **require that determinations in both adult and juvenile court proceedings relative to a controlled substance violation of a high school student participating in extracurricular activities be reported to the South Dakota High School Activities Association and to the school administrator.**  
Senators Gray, Merchant, Olson (Russell), and Tieszen and Representatives Schlekeway, Bolin, Conzet, Fargen, Hoffman, Kopp, Lederman, Lucas, Moser, Olson (Betty), Romkema, Rounds, Russell, Sorenson, Steele, Vanneman, and Verchio

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COOPER GARNOS, Chair

## Committee Agenda

Committee: Senate Judiciary  
Room: 413  
Date: Tuesday, February 16, 2010  
Time: 8:30 AM

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Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

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[SB 179](#)      **require that certain contested cases be heard by hearing examiners in the Office of Hearing Examiners.**

Senators Gillespie, Adelstein, Heidepriem, Hundstad, Jerstad, Kloucek, Merchant, Schmidt, Tieszen, and Turbak Berry and Representatives Feinstein, Burg, Cutler, Engels, Fargen, Frerichs, Gosch, Hunhoff (Bernie), Hunt, Kirkeby, Krebs, Lederman, Lucas, Nygaard, and Sorenson

[SB 185](#)      **redact certain information from public records that may endanger a person's life or safety.**

Senator Novstrup (Al) and Representative Rounds

[SB 126](#)      **permit flexible staffing for local government public safety answering points.**

Senators Gillespie, Brown, Gant, Hundstad, and Maher and Representatives Bolin, Cronin, Elliott, Feickert, Hunhoff (Bernie), Lederman, and Olson (Betty)

[SB 148](#)      **revise certain provisions pertaining to the withdrawal of blood to determine alcohol content.**

Senators Tieszen, Abdallah, Gillespie, and Gray and Representatives Cutler, Engels, and Hunt

[SB 149](#)      **revise certain provisions providing for the method of calculating subsequent DUI offenses.**

Senators Tieszen, Abdallah, Gillespie, and Gray and Representatives Cutler, Engels, and Hunt

[HB 1008](#)      **codify legislation enacted in 2009.**

Representative Deadrick and Senator Turbak Berry at the request of the Code Commission

[HB 1065](#)      **establish quarterly escrow payments by nonparticipating tobacco manufacturers.**

The Committee on Judiciary at the request of the Office of the Attorney General

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

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GENE G. ABDALLAH, Chair